

Keerikkattil, Ranjith V

From: Keerikkattil, Ranjith V
Sent: Monday, July 29, 2013 1:51 PM
To: 'Academic Program Mailbox'
Cc: Shultz, Catherine; ljones-lush@mhec.state.md.us; Howard, Danette
Subject: RE: MHEC Student Complaint Form

Importance: High

Thank you for your reply. I respectfully disagree with your assessment. First of all, litigation was initiated in U.S. District Court for The District of Maryland only on July 12, 2013. However, the Complaint with MHEC was filed on February 8, 2013 more than 5 months prior to the initiation of litigation. MHEC did reply back stating that it was awaiting response from UMBC, but it never got back to the complainant after receiving the response, if any, from UMBC. Also, MHEC never contacted the complainant afterwards inquiring more details regarding the complaint. So, litigation was initiated as a consequence of the failure in resolving the complaint administratively.

U.S. Department of Education, Office of Civil Rights (OCR) investigates violations of:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin;
- Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex;
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability;
- Age Discrimination Act of 1975, which prohibits discrimination on the basis of age;
- Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability;
- Boy Scouts of America Equal Access Act, part of the No Child Left Behind Act of 2001, which prohibits denial of access to or other discrimination against the Boy Scouts or other Title 36 U.S.C. youth groups in public elementary schools, public secondary schools, local education agencies, and state education agencies that have a designated open forum or limited public forum.

OCR's jurisdiction is different from MHEC's. In this case the student requested an investigation by MHEC on violations of COMAR Title 13b by UMBC, which was specifically mentioned in the complaint. To be specific:

- 34 CFR 600.9(a)(1) states, in relevant part, "An institution described under §§ 600.4, 600.5, and 600.6 is legally authorized by a State if the State has a process to review and appropriately act on complaints concerning the institution including enforcing applicable State laws".
- MHEC, being the relevant state agency, accordingly, has created the student complaint process to comply with 34 CFR 600.9(a)(1).
- The Code of Maryland Regulations defines the minimum requirements for in-state institutions under COMAR 13B.02.02 of which COMAR 13B.02.02.19G states that "An in-State institution shall adhere to published student grievance procedures that assure a fair and timely review of student complaints."
- MHEC was asked to investigate if UMBC violated COMAR 13B.02.02.19G by failing to follow the rights and procedures that it has promised to its students through its published Student Handbook, Code of Student Conduct and Student Due Process Rights in the Student Judicial Process against the complainant.

So the student's request to MHEC's was substantially different from his request to OCR in that the student was alleging violations of two different regulations. OCR does not have the jurisdiction to investigate violations of COMAR Title 13b.

To sum things up, the initiation of litigation or investigation by OCR does not represent a good reason for MHEC's failure to investigate the matter for over 5 months. MHEC's student complaint process would fail in its mission if it is unable to conduct a timely and independent inquiry into alleged violations that falls within its jurisdiction.

Please let me know if you have any questions.

Sincerely,
Ranjith Keerikkattil

From: Academic Program Mailbox [mailto:acadprop@mhec.state.md.us]
Sent: Friday, July 26, 2013 11:10 AM
To: Keerikkattil, Ranjith V
Cc: Shultz, Catherine; ljones-lush@mhec.state.md.us; Howard, Danette
Subject: RE: MHEC Student Complaint Form

Dear Mr. Keerikkattil,

This is in response to your email below.

It is our understanding from David Gleason, General Counsel at the University of Maryland Baltimore County, that the matter is being litigated in federal court and also has been referred to the U.S. Department of Education, Office of Civil Rights.

As a result of the above litigation, under MHEC's procedures, MHEC has no jurisdiction in the matter.

Please let us know if you have additional questions.

Thank you,

Academic Affairs

From: Keerikkattil, Ranjith V [mailto:Ranjith.Keerikkattil@GDIT.com]
Sent: Monday, July 22, 2013 10:35 AM
To: Howard, Danette
Cc: Shultz, Catherine; Academic Program Mailbox
Subject: FW: MHEC Student Complaint Form
Importance: High

Dear Ms. Howard,

I had submitted the MHEC Complaint Form in February 2013 but got no response from MHEC. So I re-sent the complaint again in April and got a reply back stating that MHEC received my complaint and were waiting for response from UMBC. It's been more than three months since then and I haven't heard back from MHEC. Nor have I received a reference number for my complaint so that I could track its status. I request your assistance in this regard.

Thank you.

Sincerely,
Ranjith Keerikkattil

From: Keerikkattil, Ranjith V
Sent: Tuesday, July 16, 2013 1:42 PM
To: 'Academic Program Mailbox'
Subject: RE: MHEC Student Complaint Form
Importance: High

Dear Sir/Madam,

Could you please update me on the status of the complaint that I filed with MHEC? Is there a complaint number available for reference and future correspondence? Also attaching my filings with the US District Court for the District of Maryland as it may help in your investigation.

Thank you.

Sincerely,
Ranjith Keerikkattil

From: Academic Program Mailbox [<mailto:acadprop@mhec.state.md.us>]
Sent: Tuesday, April 09, 2013 12:52 PM
To: Keerikkattil, Ranjith V
Subject: MHEC Student Complaint Form

The Maryland Higher Education Commission is in receipt of your student complaint. Your complaint was forwarded to the University of Maryland Baltimore County (UMBC) and we are awaiting their response.

Thank you,

Academic Affairs

From: Keerikkattil, Ranjith V [<mailto:Ranjith.Keerikkattil@GDIT.com>]
Sent: Wednesday, April 03, 2013 2:51 PM
To: Blanshan, Sue; Shultz, Catherine
Subject: MHEC Student Complaint Form
Importance: High

Dear Ms. Blanshan/Schultz,

I had submitted the MHEC Student Complaint Form a couple of weeks ago. Since I did not receive a confirmation I had re-sent a copy of it again on March 19th. Could you confirm if your office received the form? I am not sure if you are the right person to contact regarding this. If you are not could you forward this e-mail to the appropriate person?

Thank you.

Sincerely,
Ranjith Keerikkattil

From: Keerikkattil, Ranjith V [<mailto:Ranjith.Keerikkattil@GDIT.com>]
Sent: Wednesday, April 03, 2013 2:51 PM
To: Blanshan, Sue; Shultz, Catherine
Subject: MHEC Student Complaint Form
Importance: High

Dear Ms. Blanshan/Schultz,

I had submitted the MHEC Student Complaint Form a couple of weeks ago. Since I did not receive a confirmation I had re-sent a copy of it again on March 19th. Could you confirm if your office received the form? I am not sure if you are the right person to contact regarding this. If you are not could you forward this e-mail to the appropriate person?

Thank you.

Sincerely,
Ranjith Keerikkattil

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